

# ARKANSAS SUPREME COURT

No. CR 08-772

DARRELL F. WATSON  
Appellant

v.

STATE OF ARKANSAS  
Appellee

**Opinion Delivered** November 20, 2008

APPELLEE'S MOTION TO DISMISS  
APPEAL [CIRCUIT COURT OF  
PULASKI COUNTY, CR 2002-4270,  
HON. JOHN LANGSTON, JUDGE]

MOTION GRANTED; APPEAL  
DISMISSED.

## PER CURIAM

In 2004, appellant Darrell F. Watson was found guilty of aggravated robbery and theft of property and sentenced to an aggregate term of 264 months' imprisonment. The Arkansas Court of Appeals affirmed. *Watson v. State*, CACR 04-1398 (Ark. App. Aug. 31, 2005). Subsequently, he sought relief in the trial court pursuant to Criminal Procedure Rule 37.1. The petition was denied, and we affirmed the order. *Watson v. State*, CR 06-148 (Ark. Oct. 5, 2006) (per curiam).

In 2008, appellant filed in the trial court a pro se petition for writ of habeas corpus. The petition was denied, and appellant timely filed a notice of appeal from the order and lodged the record on appeal in this court. The State now brings this motion to dismiss the appeal.

The State's motion is based upon appellant's failure to file a brief within the time required. Appellant's brief was originally due to be filed in this court on August 11, 2008. He tendered a brief within that time but it was not in proper form and it was returned for correction. As of this date, appellant has failed to tender a corrected brief and has not sought leave to file a belated brief. Accordingly, the State's motion is granted and the appeal is dismissed.

Motion granted; appeal dismissed.